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A Behavioral Analysis of Morality and Value

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Morality has long been conceived as divinely instituted, so otherworldly, rules meant not to describe or explain behavior but to guide it towards an absolute good. The philosophical formulation of this theory by Plato was later grafted onto Christian thought by Augustine and Aquinas. The equally ancient theory of the Greek sophist Protagoras (that the good is relative to personal preferences and morality to man-made social customs) was forgotten until revived in the 18th and 19th centuries by such empiricists as David Hume and J. S. Mill. Then it was dismissed again in the 20th century by G. E. Moore and W. D. Ross as *naturalistic fallacy,* that is, conflation of what is with what ought to be. However, those who took this dismissive attitude themselves made the reverse mistake of conflating what ideally ought to be with what actually is. In other words, they mistook ideals for actualities. As B. F. Skinner (1971) said in *Beyond Freedom and Dignity*, sorting things out requires behaviorist parsing of the good (the personally reinforcing) and duty (the socially reinforced).

Key words: duty, morality, naturalistic fallacy, relativity, scientism, utilitarianism, value

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Know then thyself, presume not God to scan;
the proper study of Mankind is Man.

Alexander Pope (1688–1744)

Scientific naturalism, which is not to be confused with uncritical scientism, has now triumphed in every field of inquiry except moral philosophy and the separate but related field of value theory. I think it is time that naturalism won in these fields too, but powerful enemies remain to be defeated. Who are these enemies? Otherworldly thinkers such as Plato, Thomas Aquinas, Immanuel Kant, and G. E. Moore. Fortunately, the weapons needed for the contest are ready to hand. What weapons are these? Definitions of *the good* and *the right* by empirically minded thinkers such as Protagoras, Thomas Hobbes, David Hume, J. S. Mill, and B. F. Skinner.

I propose here to defend the latter thinkers from their critics, but many centuries were needed to set in place the otherworldly ideas and fallacious reasoning that dominate thought about this subject. These ideas and fallacies will not be easy to dislodge. So entrenched are they that many people regard them as truths on a par with two plus two equals four. For centuries, the prestige of philosophers depended on pretending to have expertise in these supposedly indisputable truths. Dispute them and you will be told that you are undermining not merely a theory of morality but morality itself. Much tedious verbal digging will be needed to expose and disarm this delusion. I'm here to provide the tedium.

That is the bad news. The good news is that I have an alternative. Against the widely accepted dogma that doing right and pursuing the good are conforming conduct to otherworldly standards, I shall claim that pursuing what we deem *good* is seeking to satisfy personal preferences, whereas doing what we deem *right* or *just* is conforming to established social conventions. Granted, this is not usually what people have in mind, but it is the rule that governs standard word usage.

The reply will be that I am committing the *naturalistic fallacy*. According to the usual definition, this is the fallacy of trying to deduce *ought* from *is*. There is a widespread myth that this so-called fallacy was first exposed and discredited by the Scottish empiricist David Hume. In the third book of his youthful *Treatise on Human Nature*, Hume did caution that, because the two words have

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different meanings, one should not infer *ought* from *is* without explaining the deduction.[1] What Hume was opposing was not inferring *ought* from *is* but the dogma that judgments about what ought to be done are deducible from principles of a priori reason instilled in the human mind by God. No, he explained, moral judgments are rooted in socially inculcated sentiments (Hume, 1978).[2]

The inventor of the term *naturalistic fallacy* was not Hume but G. E. Moore, a colleague of Bertrand Russell at Cambridge University more than a century after Hume. Moore defined this so-called fallacy not as the error of deducing *ought* from *is* but as the mistake of trying to explain the good in empirical terms. His prototype of a philosopher who had made this alleged mistake was the utilitarian J. S. Mill, who had defined the good as anything capable of eliciting desire. To this definition, Moore's obfuscating reply was that the good is what is *worthy* of being desired; whether it ever is desired in actual fact is neither here nor there (Moore, 1962).

What made this reply obfuscating was that Moore offered no measure of worth. He thought there could be none. In his view, the worthy would be evident to a select few with the capacity to recognize it, but they would know it by intuition, as mathematicians know the axioms of geometry and landscape painters know the colors of the summer sky. If the rest of us want to know what is worth desiring and pursuing, we will have to take their word for it; it cannot be defined (i.e., spelled out in so many words), only pointed out. Or so Moore said (1962).

It was an Oxford contemporary of Moore named W. D. Ross (again, not David Hume) who redefined the naturalistic fallacy as the error of conflating what *is* with what *ought* morally speaking *to be*, then charged both Mill and Moore with committing this error by defining the morally right as what has good results. No, said Ross, to do right is to do your duty, never mind the consequences (Ross, 1930).

As you can see, this is a tangled issue. I will try to sort it out by taking things in turn. First, I shall criticize Moore's idea of the good as an indefinable but evident quality, like the color blue. Against Moore, I'll come out on the side of a slightly revised Mill, holding that goodness, or value, is not a *quality,* like blue, but a *power*, like gravity. Roughly, the good is what has the power to please. In Skinner's jargon, it is what reinforces preference.

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[1] The relevant passage is "In every system of morality, which I have hitherto met with, I have always remark'd, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when, of a sudden, I am surpriz'd to find, that instead of the usual copulations of propositions, is and is not, I meet with no proposition that is not connected with an ought or an ought not. This change is imperceptible; but is, however, of the last consequence. *For as this ought, or ought not, expresses some new relation, 'tis necessary that it should be observ'd and explain'd* [emphasis added]; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it" (Hume, 1978, p. 469).

[2] I apologize for citing texts without giving specific page numbers, but the reader is begged to remember that this is philosophy, not science; and the present essay was commissioned as an introductory talk on moral philosophy, not a research report on documented facts. As such, it makes large generalizations about an exceedingly wide variety of topics and texts. Because each of these topics and texts would need a volume for full treatment, any serious attempt to justify every possibly contentious claim about them would turn the present essay into a multivolume treatise that would still fail of the purpose. Because philosophy consists of discursive and dilatory arguments that need to be read and interpreted in context, doubts about my readings, some of which are certainly disputable, are best resolved by recurring to whole texts. I therefore advise the reader to take my references as invitations, or provocations, to examine the documents I cite more closely than can be done here. (For a more elaborate and detailed treatment of these topics, see Hocutt, 2000.)

Next, I shall examine Ross's Kantian idea of duty as conformity to a moral law known intuitively by means of a priori reason. Here, I will agree that duty is not reliably found out by considering consequences, as Mill and Moore had mistakenly believed. But I shall reject Ross's belief that duty is self-evident, known intuitively just by thinking about it. Instead, I suggest, doing your duty is conforming to man-made rules known by observing behavior.

In making my case, I will use the psychological vocabulary of colloquial English, but you may interpret my terms behaviorally. When I speak of *desire,* you will understand not a private feeling but a publicly observable preference function, a measurable disposition to choose one thing rather than others. When I speak of *morals,* you will understand neither invisible norms nor personal beliefs but informal regulations made binding by observable social sanctions. And so on. I will make no appeal to esoteric entities. I seek strictly empirical definitions (see Hocutt, 1977).

That said, I can now state my two-part hypothesis with some precision. First, the goodness, or value, of a thing x for a person y is x's power to reinforce y's preference for it. Second, the morally correct, right, or just practice is the one that comports with the mores (or, if you prefer, the *mos*) that happen to be in force in the agent's social group. In Skinner's argot, the good is the personally *reinforcing* and the right is the socially *reinforced.* In plain speech, the good is what you will want to repeat, and the right is what others will want you to repeat.

Please do not take my defense of these two theses as an argument for the proposition that behavioral science can tell us what to value. I do not believe that. Like John Staddon, and unlike Skinner, I hold that the proper role of science is the limited and subordinate one of helping us to achieve what we already value. Science can teach us means to our ends and tell us how we came by these ends. It can even be used to shape our ends or make them more consistent with other ends and the facts, but it cannot supply them; they are given us ready made by nature and shaped by nurture. In short, despite my opening endorsement of scientific naturalism, I am not a devotee of scientism, which I regard as more religion than science.

THE GOOD

So much for general remarks. For details, let us begin with the good, or, to speak more precisely, with what it is our practice to *call* good.

To this procedure, Moore objected mightily and indignantly. Protesting that he was a philosopher, not a lexicographer, he declared himself not at all interested in what is merely called good but only in what is in fact good whether it is ever so called or not. Moore wanted to define the thing, not its name. Also, he wanted a definition that preserved not just denotation but connotation too. Having made these demands, Moore then declared them impossible to satisfy; the good could not be defined (Moore, 1962).

It was no wonder! Moore had demanded that we square the circle. This demand was misconceived in three ways. First, although we can in a particular case distinguish what a thing is *called* from what it *is*, the distinction cannot be the rule. Someone might mistakenly call heifer Bessie a horse, but no sense can be made of saying "Although Bessie is the sort of animal that it is our rule to call a cow, she is in fact not a cow but a horse." Likewise, one might describe as good something that turns out on examination to be not good but bad. However, it would be senseless to declare, "Although this is the very sort of thing we usually describe as good, it is in fact not good but bad."

Moore's second mistake was to think that we can define *things* or

their *qualities*. The truth is, rather, that we define *words*. Despite tendentious talk in some precincts about defining marriage as prostitution, freedom as power, and political opponents as crooks, one can no more define things than one can spell them. Thus, we can define and spell the adjective "square," but we cannot define, or spell, squares. Nor can we define the quality *square*, whatever that is supposed to be. True, we normally define a word by describing the things it denotes, but the idea that this defines the things themselves, or their properties, confuses them with their names.

Moore's third and perhaps most grievous mistake was to think that a definition must preserve connotation, or sense. This is a common mistake, but it is a mistake. *Connotation* is too subjective to concern scientists, whose definitions need only fix reference, *denotation*. The aim of a good definition should be to identify the objects to be talked about, not to say what is thought or felt about them. Do we want to talk about squares? Then we had better have a definition that describes squares and squares only. Do we like or dislike squares? The geometer never asks, because it does not matter.

The same is true of the good. Granted that we approve of it, what we feel about it is beside the point. So, our definition of it need not, and should not, embody our feelings about it. Presumably, we have come here to understand the good, not to praise it. If so, we should talk about it in the detached and unemotional way butchers talk about pork shoulders and financiers about credit derivatives. Call that attitude reductionist if you like; it is the way of good science.

Mill knew this. Noticing that the words *good* and *desirable* are used more or less interchangeably, he reasoned that, as the visible is what can be seen, so the desirable must be what elicits desire (Mill, 1979). Scornfully replying that Mill had been hornswoggled by a trivial analogy of grammar, Moore countered that, when used properly, the word *desirable* connotes not a mere *capacity* to be desired but *worthiness* to be desired. Misguidedly, as we have seen, Moore demanded a definition of the good that preserved this connotation of worth (Moore, 1962).

As already noted, Moore proffered no measure of worth himself. Instead, he made two attempts at reducing Mill's metric to absurdity. First, he said, Mill's metric implies that a thing will be *both* unqualifiedly good if desired by A *and* unqualifiedly bad if abhorred by B. Second, Mill's measure implies that torture must count as good if desired by sadists. Moore thought the first implication logically, the second morally, absurd. Nothing can be both absolutely good *and* absolutely bad, and desiring evil cannot make it good. To think it can is to praise what is not praiseworthy (Moore, 1962).

Moore, who had been trained as a Greek classicist, was here quoting Plato, who had made essentially the same reply to the sophist Protagoras two and a half millennia earlier. Reportedly declaring "Man is the measure," Protagoras had apparently contended that what is called *good* is relative to personal preferences and what is called *just* is relative to social customs or laws. Replying that people often prefer what is not good and societies often have practices that are not just, Plato had averred that preferring evil can no more make it good than believing a falsehood can make it true, and custom can no more make injustice right than can arbitrary power (Plato, 1961, *The Sophist*).

Plato's premises were true, but his conclusion was not. We'll come back to justice later. For now, let us stick to value. It is indeed true that value, or goodness, does not vary with *opinions*, but it does vary with *tastes*. Why does that distinction matter? Because, as the Latin saying has it, *de*

gustibus non disputandum est. Opinions are true or false, so can be disputed and perhaps disproved. But merely liking something is not venturing an opinion about it. So, it is a matter of logic that, although tastes can be deplored or developed, they cannot be disputed or disproved. Unfortunately, Plato had paid no attention to this truth, and neither did Moore.

Neither, if I may be permitted to say so, does my learned and acute friend John Staddon (2013). Staddon regards values as beliefs. In fact, values are preferences, which differ from beliefs in being neither true nor false. That is why, as Staddon correctly affirms, values cannot be deduced from facts, our name for beliefs that are thought to be true. Of course, values are real, and it is a fact that people have them. But lacking truth and falsity, the values that people have cannot without solecism be themselves counted as facts. But from facts one can deduce only other facts. Hence, as Staddon says, you cannot deduce values from facts. Belief to the contrary embodies a category mistake. About that, Staddon is surely correct.

Staddon's mistake is to think this means you can never deduce *ought* from *is*. If that were true, you could never provide factually based advice, the only kind worth having. However, there is nothing amiss in advising "That is a rattlesnake; so you ought not to play with it," or "That is a profitable enterprise; so you ought to invest in it," or "Going to your friend's funeral is your duty; so you ought to do it." In all of these, an *ought* is validly deduced from an *is*.

Nor, because there is no inference in it, is it a fallacy to define the good as what will reinforce preference, though there is a complication in this definition that calls for a qualification. Evidently, what will reinforce A's preferences might discourage B's. So, even though an individual's evaluations can be mistaken, the value of a thing is not absolute but is relative to persons, not subjectively as a matter of opinion, but objectively as a matter of fact. This strikes some people as puzzling, but it is no more so than is the fact that the Eiffel Tower is near Jacques in Paris but far from Jack in New York, not as a matter of their subjective opinions but as a matter of objective fact. It is this fact, the *objective relativity* of value, that makes trade possible, and it is trade that makes the world go around. If what you possess has less value for you than it would have for me and conversely, we can swap, to our mutual benefit. Good economists now recognize this fact. It is time philosophers did too.

What about torture? Must we admit that it has value? Yes, but calling torture a good *for sadists* is not praising it. However much pleasure the sadist gets out it, you and I are at liberty to condemn it as vehemently as we wish. It may be a good for him; it is an evil for us. Most people realize this when they are thinking concretely, but they forget it when they start juggling philosophical abstractions. Then they get tangled in words and revert to the simplistic idea that what has no value for them must have none for anybody else. Give them the power to impose this prejudice on others and they will set up a dictatorship. Plato wanted to make philosophers kings.

Philosophical mistakes are usually the products of bad logic. The logical foundation of Plato's hankering for royalty was a faulty theory of *predication*, the fundamental concern of logical grammar. Taking geometry as his paradigm, Plato held that predication is comparison with otherworldly ideals. Calling something square means that it resembles the ideal Square, a model laid up in heaven; and calling something good means that it resembles the ideal Good, another model laid up in the same realm. It is because philosophers can recognize these otherworld-

ly ideals that they should rule (Plato, 1961, *Phaedo*).

This primitive theory, which is encouraged by elliptical speech, works okay for logically simple properties like shape and number, but even Plato suspected it could not explain relative comparisons or other relations. Thus, he was completely flummoxed by the fact that A might be tall by comparison with B and short by comparison with C. How, he wondered, can something resemble both the absolutely Tall *and* the absolutely Short? One might as well wonder how the Eiffel Tower can be both near and far; near to Jacques in Paris, far from Jack in New York.

The logic of relatives was not worked out satisfactorily until the late 19th century, when the American logician Charles Peirce treated relations as ordered pairs, triples, and so on. As we all know, however, the solution to Plato's puzzle is simply that height is relative and so is value. Thus, "*x* is tall" means "*x* is taller than some *y*," not "*x* is tall absolutely," and "*x* has value," means "*x* has value for some *y*," not "*x* is valuable period." As 17th century English philosopher Thomas Hobbes would eventually observe, the word *good* is an indexical term that everyone uses "in relation to himself" (Hobbes, 1958). Thus, "Licorice tastes good" is usually ellipsis for "Licorice tastes good *to me,*" and this does not always imply that it will taste good to you too.

Moore acknowledged that, because what benefits A might not benefit B, *instrumental value* is relative. However, his topic was *intrinsic* value, and he thought, like Plato, that describing a thing as *intrinsically* good means that it is good *in itself*, so good independently of tastes, as the earth is round in itself, independently of opinions. Accordingly, Moore insisted that an intrinsically admirable thing would be admirable even if there were nobody to admire it, just as the earth would be round even if nobody thought so (Moore, 1962). Moore was right about the earth, but his idea of value was not intelligible. One might as well say that irritating noises would be irritating even if there were nobody to be irritated.

Moore's problem was that he had unwittingly confused intrinsic goodness with inherent goodness. Calling a thing *intrinsically good* means not that it is good apart from desire for it, as Moore thought, but only that it is desired for itself alone, in disregard of its benefits and detriments. The simple fact of the matter is that nothing is valuable *in itself*, apart from actual or potential desire for it. As George Santayana once observed in this connection, the whiskey does not stand there in the bottle dead drunk. That it is intoxicating means that it can make you drunk.

Suppose you want to eat bon bons and smoke cigarettes while remaining indifferent to the damage they do to your health. Then bon bons and cigarettes have intrinsic value for you. They have this value neither because they are useful for other purposes nor because they are valuable apart from your desire for them but precisely because you want them. That others may not value them as you do is true but irrelevant.

The moral of the story is that Mill was essentially right. It is not true that everything capable of being desired is good, but it is true that the good is what, having tried it, you will desire again. Thus, good golf swings are the kind you want to learn, good friends are the kind you want to keep, and good food is the kind you want to eat. Despite Moore and Plato, the goodness of these things is not a simple, fixed quality. As B. F. Skinner was perhaps the first to make precisely clear, goodness is a power, that is, the power to reinforce preference (Skinner, 1971).

We should not let that important truth be obscured by priests, politicians, or philosophers who plead for

power to tell other people what to prefer. Their good might not be ours.

THE RIGHT

That is all I can say here about Moore on the *good.* I will now turn to Ross on the *right,* and begin by noting that the word is treacherously ambiguous.

What interested Ross was the *right* of *rectitude*; not the *right* of *utility*. He was not talking about the right hammer to use in order to drive nails, the right stocks to buy in order to make money, or the right woman to marry in order to be happy. He was talking about what you are obliged to do even if it will not serve your ends. In short, he was talking about duty, regarding which he had two pertinent questions: First, what can make doing your duty right if it is not in your interests? Second, how are you to *know* your duty?

The theological tradition had readymade answers to both questions, but these answers had settled no disputes. The answer to the metaphysical question had been that to do your duty is to obey the moral law, a standard that is binding because almighty God has commanded obedience to it. For all I know, Ross may no longer have believed in God when he said this, but he still thought of moral conduct as conduct that conforms to an antecedently given moral law. In other words, he may have been one of that legion of philosophers the French existentialist Jean Paul Sartre had in mind when he spoke wryly of those English academics who still believed in a God-given morality but no longer believed in the God who gave it.

The theological answer to the epistemological question had been that, to know the provisions of moral law with certainty, you should consult the officials of the Roman Catholic Church, God's representative on earth. Raised an English Protestant, Ross rejected this answer, so had need of another, which he found in the idea that an individual's conscience might substitute for the guidance of the Church. In theological circles, this idea was commonly rationalized by the Platonic theory that, because God implants knowledge of moral law in every human soul before birth, one might hope, given proper training, to discover it simply by looking into one's self. Ross gave voice to this theory when he said that duty is a simple and self-evident quality, like the color blue (Ross, 1930). Of course, Ross knew that what is evident to the learned is not always evident to others. Indeed, he insisted on the point, because it gave the philosophers of Oxford University, where Ross held forth, greater moral authority than the common herd.

There was one niggling complication. It had long been Christian dogma that an infinitely wise and benevolent God had so arranged things that, to do one's duty is also to do good, and vice versa. In short, the good and duty were one thing by two names. Uncritically accepting this equation, Henry Sidgwick, Moore's teacher at Cambridge and the author of a bestselling textbook on moral philosophy, had naively concluded that, although the provisions of moral law can be known more or less intuitively by those with suitably trained consciences, maximization of good is a more scientific test (Sidgwick, 1981). Sidgwick, who may have thought he was espousing Jeremy Bentham's utilitarianism, did not notice that the atheistic Bentham had regarded talk of moral law as so much gibberish.

Ross had a quite different reason for objecting to Sidgwick's Christianized utilitarianism: He disliked equating duty with the performance of good. So, he sided with Immanuel Kant, the German philosopher who had insisted that the right and the good are distinguishable things. As proof of this distinction, Kant had pointed out that such violations of morality as lying, reneging on your

promises, punishing the innocent, and torturing the guilty cannot be made morally right by any good they might be thought to do. Ross regarded this observation as conclusive refutation of all forms of utilitarianism, and many philosophers agree with him. But if utility is not the measure of duty, what is?

Kant had said *reason,* but when the sage of Konigsberg spoke of what his translators call moral reason, he explicitly excluded *Verstehen*, figuring out means to desired ends. That was not reason; it was merely the kind of understanding required for *prudence*, which Kant wrongly equated with unmitigated selfishness. For Kant, moral reason was a species of *Vernunft,* the intuitive discernment of truth a priori, without concern for results. On the basis of this idiolect, Kant is often described as a moral rationalist. In fact, as a disciple of Martin Luther, who had famously derided reason as ''the whore of Babylon,'' Kant preferred the fideism of Augustine, who had said that a Christian should ''believe in order to understand'' and obey the will of God unquestioningly. This reverence for uncritical belief and unquestioning obedience is what Kant called *moral reason* (Kant, 2002).

Kant's fideist usage has two salient problems. First, there is no practical test of God's will, because whatever happens can be said to accord with it. George dies; God's will. George lives; still God's will. This consistency with all logical possibilities deprives God's will of determinate empirical meaning. Second, as we normally understand it, behaving rationally is doing what promises to serve personal, if not always selfish, ends. By contrast, behaving morally always requires showing due regard for the interests of other persons. It can even mean putting their interests first. You cannot obliterate this distinction, only blur and befuddle it, by calling both things forms of *reason.*

Admittedly, Thomas Aquinas, the great theologian of the high Middle Ages, had made a manly effort to bridge the divide between reason and morality, and many think he succeeded. Identifying moral law with what the Roman Stoics had called *natural law,* Aquinas defined that as the rational pursuit of happiness by the doing of good (Aquinas, 1988). But although Aquinas's Aristotelian conception of reason as the servant of natural needs and the pursuer of good was certainly much better founded than Kant's would be, it was never the working test of God's will. The test of that was always Holy Scripture as interpreted by Thomas's church. Reason prevailed only when it did not conflict with the judgment of the Church. Many, perhaps most, philosophers continue to believe that reason can suffice as a faculty for discovering moral truth, but David Hume's great achievement as a philosopher was to have demonstrated what is wrong with that idea.

I know just one way to cut through this theological knot: Give up the idea that doing your duty is complying with a transcendent moral law and understand instead that it is conforming to the conventions and customs of your society. Although these variable customs and conventions are man-made, they grow out of more or less successful attempts to serve basic needs. So, they are in Hume's elegant phrasing ''artificial but not arbitrary.'' We may chafe at them, but we are bound to obey them while they are in force; and they are in force as long as they are being enforced with sufficient reliability and vigor to promote more or less regular compliance.

We call some of these rules *laws*, others *morals*. When we use the word strictly, what we call *law* consists of rules instituted and enforced by officials of government who act in their official capacities to control the behavior of citizens or subjects, ostensibly for the benefit of those

ruled but invariably for the greater benefit of the rulers and their clients. By contrast, *morality* and *etiquette* consist of unofficial rules that have more widely dispersed and less clearly identified origins and beneficiaries. No single person or group makes and enforces these unofficial rules; instead, everybody has a part in creating them and encouraging compliance with them.

As the late Austrian economist Friedrich Hayek emphasized following David Hume's great friend Adam Smith, this means that the unofficial rules of morality and etiquette are spontaneous orders, like language. In other words, nobody designed them. Instead, they came into being without plan and are enforced in ad hoc ways by ordinary persons who seek in their daily intercourse to reduce mutually harmful conflict and promote mutually beneficial cooperation, all with the ultimate purpose of serving biologically rooted needs in a usually unfriendly and sometimes hostile world. Every working society has morality and etiquette. In fact, there can be no society without them (Hayek, 1989).

By contrast, only politically ordered societies have laws, and these came about only recently. It is now accepted that for more than 99% of human existence, humankind lived in small hunter gatherer bands with leaders and customs but without political organization, government, or law. If we can trust the archaeologists, the first polities came into being only about 5,000 years ago, about 5,000 years after the development of settled agriculture in half a dozen fertile and heavily populated river valleys. Since these developments, perhaps the two most momentous in human history, political organization has gradually become the rule. At present there is hardly a human society without it.

That is why, for better or worse, it is from law that we derive our concepts of duty and justice. When we talk of *moral* duties and *moral* justice, it is by analogy with legal duties and justice, the prototypes of duty and justice. Because law comes from higher up in the social order, we tend to forget that morality and etiquette come from the base of society and presume instead that the misnamed "laws" of morality and etiquette must have come from on high too. This belief is carefully nurtured by the lawmakers at the top and by the intellectuals who serve them, but it is a myth and a muddle.

Most people are comfortable with this myth, but I think it is time to take a fresh look at the facts. Forgetting that morality is supposed to be obedience to otherworldly commands, we need to notice what it is in actual practice. When we do that, I think we see that what we call duties are simply socially imposed requirements. That we *ought* to comply with these requirements means that we are *obligated* to do so. That we are *obligated* to comply means that we are subject to censure and punishment if we do not. Of course, a duly socialized adult will have a functionally autonomous conscience that prompts him to do his duty without coercion, but that conscience will be a product of identifiable social sanctions.

Another name for the performance of duty is *justice,* respect for rights. If what I have said so far is correct, justice must also be definable in empirical terms, and it is. I do justice when, respecting your rights, I give you your due; and you get what you *deserve* when you get your due. How do you and I know what is due? We learn the applicable rules. How do we learn them? As Skinner (1971) observed, they exist in the contingencies of reinforcement. So, we learn them by noticing what is rewarded and what is punished.

That is all the space I have to talk about the *ought* of *duty*. Before leaving the topic, however, I should remind you that the *ought* of *reason*

conforms to a different standard. The ought of duty concerns what *others* require you to do in order to satisfy *their* desires and promote *their* values; the ought of reason is about what *you* should do to satisfy *your* desires and promote *your* values. In short, the ought of duty is about social requirements, and the ought of reason is about personal desires.

Having said so, I should explain what I do not mean by it. I'll make two brief points. First, by personal desires, I emphatically do not mean selfish desires. I'm talking about the desires of owners, not their beneficiaries. So, by declaring it rational to serve your desires, I'm not affirming that you should be an unremitting, much less a psychopathic, egoist. Let a woman's desires be as unselfish as you please. If what she most wants to do is sacrifice her life to the betterment of humankind, then it is rational for her to act accordingly. Mother Teresa was unusual, but I know no reason to declare her insane. Christian charity is not incompatible with reason.

Second, by saying that doing your duty is conforming to social requirements, I do not mean that it is always or necessarily a good thing. On the contrary, I believe that you can perpetrate great evil doing what you take to be your duty. If you want an example, think of the Nazis. They reportedly talked incessantly and passionately of their duties to the Fuhrer and the German race. Admittedly, they may have overlooked more basic duties than these, but it is only on the dubious belief that the rules were made by an infallible deity to promote an absolute good that doing your duty can never be an evil.

To be sure, there is little conflict between duty and reason in well-ordered societies. In fact, infrequency of such conflict is the definition of social order. Occasional divergence between good and duty is inevitable, however, given that the rules are made by fallible human beings with desires that are often at odds. So Kant and Ross had a valid point. If utilitarianism is the proposition that doing your duty always means maximizing utility, it just ain't so. However, the best explanation of this fact is neither that God-made moral law nor that a priori reason commands doing what won't serve your personal ends; it is that man-made morals and laws sometimes do so.

Sidgwick did not know this, but Bentham certainly did. Talk of natural law having been exposed by Hume as an anthropomorphic and misleading metaphor, Bentham also knew that man-made law and morality are all the law and morality there are. So, he never claimed that doing your duty is maximizing general utility, the usual textbook oversimplification of utilitarianism. What Bentham claimed was that it is rational to maximize your personal utility, and it is your duty to obey whatever rules happen to be applicable to you; but legislators and moralists ought to take more care than they usually do to make rules with an eye to promoting general utility (Hocutt, 2005).

If Bentham had the right idea, as I believe, we should look not to priests or philosophers but to sociologists, anthropologists, and (perhaps?) lawyers to tell us what the rules *are* and to behavior analysts to tell us how to reinforce them. If we want to improve the rules, however, we will have to consider consequences, and to do that we will want to enlist not armchair dreamers and utopian moralists with their heads in the clouds and their sights on distant ideals but the worldly thinkers called economists. Of course, economic science can by itself no more dictate how we ought to live than can behavioral science; but if we want to live well, we will guide our behavior using all the science we can get.

CONCLUSION

It is certainly an error to mistake what is for what ought to be, but a

more common error is to mistake what ought to be for what is.

Despite G. E. Moore, the intrinsically good is not good apart from desire for it; it is just good independently of any further utility it might be thought to have. As Plato insisted, we can always make mistakes about what should count as good. So the good cannot be identified with what is thought to be good. Nevertheless, it can be defined as what, having been tried, reinforces preference. Because this varies with persons, times, and circumstances, it follows that the good is relative. However, it is objectively so, because whether something has the power in given circumstances to reinforce a person's preferences is an objective, empirically discoverable, fact or falsehood.

Contrary to conventional belief, the right or just is not usefully defined as what comports with moral law, there being no undisputed test of that empirically nondescript entity. Nor is the right definable as what maximizes good, though it would certainly be good if that were so. Rather, the right is what conforms to man-made rules, the only rules that can be proved to exist. These rules vary with the society, with time, and with circumstance; but the duty to obey them is also an empirically verifiable fact of the matter that is not dependent on personal or group opinion. Although duty is not a transcendent ideal, it is an objective reality.

That duty is real, however, does not mean that it is sacrosanct. After all, if I am right, the rules that constitute it are man-made. So, they are subject to error and criticism, like everything that human beings make. Though they deserve respect, there is nothing sacred about them; they can always be improved. However, the test of their betterment is not conformity with otherworldly standards known a priori or by divine revelation. It is biologically rooted, therefore empirically known, needs. Although science does not supply us with these needs, it can help us to discover them and figure out how to satisfy them. In short, it can serve our values even if it cannot dictate them.

The bottom line? Moral transcendentalism is a deep, if pervasive and long-standing, mistake. There is no high or smooth road to a permanent moral wisdom. It must be learned the hard way, by trial and error, then relearned when circumstances change.

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